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February 3, 2014

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Hon. Christian F. Hummel

U.S. Magistrate Judge

U.S. District Court

Northern District of New York

James T. Foley U.S. Courthouse

445 Broadway

Albany, NY 12207

Re: *Roberts, et al. v. State of New York, et al.*
Case No.: 1:12-CV-0046 (MAD/CFH)

Dear Judge Hummel:

The undersigned is counsel to the *Roberts* Plaintiffs in the above-referenced matter. Pursuant to FRCP Rule 23 and NDNY LR 23.2, Plaintiffs hereby request a pre-motion conference regarding their intent to file a motion to amend the Complaint. This matter is one of the related cases brought against State Defendants involving retiree health insurance. We have also requested a pre-motion conference regarding class certification, and it would seem to serve the purpose of judicial economy to combine both pre-motion conferences into one.

As you may recall, during the Rule 16 initial conference on October 18, 2013, the undersigned informed the Court and counsel for the Attorney General of the *Roberts* Plaintiffs' intent to amend the Complaint to sue individually named Defendants in their individual capacities. Many of the related cases sued them in their individual capacities in their original complaints; however, the *Roberts* Plaintiffs and several plaintiffs in the related cases did not. This counsel has discussed the *Roberts* Plaintiffs' intent to amend the Complaint with the AAG assigned to this case; however, subsequent to that discussion, the AAG informed the undersigned that the State will not consent to amending the Complaint to sue certain individuals in their individual capacities.

Therefore, we are seeking to amend the Complaint by motion, and we request a pre-motion conference for that purpose, which we believe can be combined with the requested pre-motion conference regarding class certification status.

Judge Christian Hummel
February 3, 2014
Page 2 of 2

Thank you for your consideration.

Respectfully yours,

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cc: Charles Quackenbush, AAG (via ECF)
All Counsel of Record in Related Cases (via Email)